

FILED

Original

RECEIPT # 63988  
 AMOUNT \$ 50.00  
 SUMMONS ISS. ye  
 LOCAL RULE 41 ✓  
 WAIVER OF SV.         
 MCF ISSUED         
 AC 120 OR 121         
 BY DPTY CLK         
 CIVIL ACTION NO. 426-05

FILED  
 CLERKS OFFICE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS  
 2005 APR 26 P 2:04

U.S. DISTRICT COURT  
 DISTRICT OF MASS  
 GERTRUDE GOROD, Plaintiff

vs.

MASSACHUSETTS GENERAL HOSPITAL  
 DR. WILLIAM BINDER  
 JAMES W. McCARTHY  
 ERIK NORENIKA  
 SUSAN WARCHAL  
 DIPLOMAT  
 CARUSO MUSIC  
 LAWRENCE CARUSO, Defendants

05-10842

Referred to MJG Dern

## COMPLAINT

## Parties

- 1.) The plaintiff, Gertrude Gorod is a resident of the Commonwealth of Massachusetts and is a citizen of the United States of America.
- 2.) The defendant, Massachusetts General Hospital is located at 55 Fruit Street Boston, Massachusetts 02114.
- 3.) The defendant, Dr. William Binder is employed at the Massachusetts General Hospital in the Emergency Medicine. It is unknown to the plaintiff if the defendant is a citizen of the United States of America.
- 4.) The defendant, James W. McCarthy is employed at the Massachusetts General Hospital. It is unknown to the plaintiff if the defendant is a citizen of the United States of America.

- 5.) The defendant, Erik Norenika is employed at the Massachusetts General Hospital. It is unknown to the plaintiff, if the defendant is a citizen of the United States of America.
- 6.) The defendant, Susan Warchal is employed as a nurse in the Massachusetts General Hospital. It is unknown to the plaintiff if the defendant is a citizen of the United States of America.
- 7.) The defendant, Diplomat is located at 334 Broadway in Saugus Massachusetts 01906.
- 8.) The defendant, Caruso Music is located at 579 Muntauk Avenue in New London, Connecticut 06320.
- 9.) The defendant, Lawrence Caruso is located at 579 Muntauk Avenue New London, Connecticut 06320. It is unknown to the plaintiff if the defendant is a citizen of the United States of America.

**Jurisdiction**

- 10.) This court has jurisdiction over this matter. Plaintiff's United States Constitutional Rights were violated, plaintiff's Civil Rights were violated. Plaintiff is a senior and she was abused leaving permanent scars and bruises on her body, also jurisdiction over this matter pursuant to 28 U.S.C. § 1331 et seq.

**CAUSE OF ACTION**

- 11.) April 28. 2002, the plaintiff, Gorod went to the Diplomat, when she entered the entrance the marble floor was wet and due to the negligence of the defendant, Gorod fell severely injuring her back and head.
- 12.) Gorod was immediately taken by ambulance to the Massachusetts General Hospital where she was abused and received two hundred and five x-rays, in spite of the fact, that she did not want any x-rays until she had consulted with her own physician.
- 13.) Defendant, Susan Warchal pulled up Gorod's clothes exposing her breasts and displaying them to defendants, James W. McCarthy and Erik Norenika then they went into fits of laugher.
- 14.) Defendant, Dr. William Binder ordered that the plaintiff's head, be bent down which was giving the plaintiff, Gorod severe pain in her head and causing her blood pressure to go high up, also gave medication that had increased the blood pressure higher. Gorod said "**I WANT TO LEAVE THIS HOSPITAL IMMEDIATELY**". Dr. Binder ordered individuals out and said "he was going to order Gorod into a mental institution".
- 15.) Defendant, Dr. Binder ordered that Gorod's ankles and wrists be restrained causing bleeding on the plaintiff's wrists and ankles leaving permanent bruising on ankles. Forcefully holding the plaintiff Gorod against her will causing her severe body harm and suffering.
- 16.) Gorod could not go to a bathroom because of her wrists and ankles were locked in metal buckles and although she informed defendants she had to go to the bathroom, she was completely

ignored, after hours of being ignored, she again informed defendant Dr. Binder that she wanted to leave the hospital immediately or she would be forced to wet the bed. Dr. Binder held the plaintiff as a prisoner and would not let her leave the hospital.

**PUBLIC INTEREST**

17.) The Public Interest is involved in this action. The public should not be subjected to the malicious treatment when they enter a hospital. The hospital has no right to have in their employ individuals that treat patients with malice, and have their patients unable to work for the rest of their lives, and hold people as prisoners.

**RELIEF FROM THE COURT**

18.) **WHEREFORE**, the plaintiff requests the honorable court to grant her the following relief:

19.) Massachusetts General Hospital      Damages, Pain and Suffering and Mental Distress, and held as a prisoner, in the sum of \$4,000,000.00, and the sum of \$4,000,000.00 in Punitive Damages

20.) Dr. William Binder      Damages, Pain and Suffering and Mental Distress, and held as a prisoner, in the sum of \$10,000,000.00 and the sum of \$10,000,000.00 in Punitive Damages.

21.) James W. McCarthy      Damages, Pain and Suffering and Mental Distress in the sum of \$4,000,000.00 and the sum of \$4,000,000.00 in Punitive Damages.

22.) Erik Norenika Damages, Pain and Suffering and Mental Distress in the sum of \$4,000,000.00 and the sum of \$4,000,000.00 in Punitive Damages.

23.) Susan Warchal Damages, Pain and Suffering and violating plaintiff's privacy in the sum of \$8,000,000.00 and sum of \$8,000,000.00 in Punitive Damages.

23.) Diplomat Damages, Pain and Suffering and Mental Distress in the sum of \$1,000,000.00.  
Caruso Music  
Lawrence Caruso

24.) Any other remedies the Honorable Court deems appropriate.

25.) The plaintiff requests trial by jury.

26.) Therefore, it is prayed that the plaintiff will be granted the relief she seeks.

By,  
Gertrude Gorod  
Gertrude Gorod  
P.O. Box 856  
Everett, Ma 02149

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I (a) PLAINTIFFS

GERTRUDE GOROD

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF MIDDLESEX  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) ATTORNEY/PRO SE  
PRO SE  
P.O. BOX 856  
EVERETT, MA 02149  
781 -322-8223

## DEFENDANTS MASSACHUSETTS GENERAL HOSPITAL

DR. WILLIAM BINDER, JAMES McCarthy  
ERIK NORENKA, SUSAN WARCHAL, DIPLOMAT  
CARUSO, MUSIC, AND LAWRENCE CARUSOCOUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT SUFFOLK(EXCEPT IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

65-10842-WGY

## II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

## IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

FALL AND MALPRACTICE ABUSING PLAINTIFF, VIOLATION OF CONSTITUTIONAL RIGHTS, CIVIL RIGHTS, HOLDING PLAINTIFF IN THE HOSPITAL AS A PRISONER.

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Movie <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 510 Personal Injury—Med Malpractice <input type="checkbox"/> 515 Personal Injury—Product Liability <input type="checkbox"/> 520 Food & Drug <input type="checkbox"/> 530 Liquor Laws <input type="checkbox"/> 540 R.R. & Truck <input type="checkbox"/> 550 Asbestos Personal Injury Product Liability <input type="checkbox"/> 560 Occupational Safety/Health <input type="checkbox"/> 570 Other	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
				<b>PROPERTY RIGHTS</b>
				<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
				<b>SOCIAL SECURITY</b>
				<input type="checkbox"/> 861 HIA (1995) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 864 DIWW (405(g)) <input type="checkbox"/> 865 SSI Title XVI
				<b>FEDERAL TAX SUITS</b>
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 Empl. Ret. Inc. Security Act 26 USC 7609
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights		

## VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court

4 Reinstated or Reopened  5 another district (specify)

6 Multidistrict Litigation

Appeal to District  
 7 Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
□ UNDER FR.C.P. 23 \$31,000,000,000.00 PLUS

## DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND:  YES  NOVIII. RELATED CASE(S) (See instructions) PUNITIVE DAMAGES  
IF ANY

JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Gertrude Gorod, Pro Se

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (name of first party on each side only) GERTRUDE GOROD  
MASS. GENERAL HOSPITAL DR. WILLIAM BINDER

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT LISTED IN THE CIVIL COVER SHEET: (SEE LOCAL RULE 8(a) 04)

    I. - 160, 410, R.23, regardless of nature of suit.  
DISTRICT OF MASS

    II. - 195, 368, 400, 440, 441-444, 540, 550,  
 710, 720, 730, 740, 790, 791, 820, 830,  
360 840, 850, 890, 892-894, 895, 950.

    III. - 110, 120, 130, 140, 151, 190, 215, 230,  
 240, 245, 290, 310, 315, 320, 330, 340,  
 345, 350, 355, 360, 362, 365, 370, 371,  
 380, 385, 450, 891.

    IV. - 220, 422, 423, 430, 460, 510, 530, 610,  
 620, 630, 640, 650, 660, 690, 810, 861-865,  
 870, 871, 875, 900.

    V. - 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES (see Local Rule 8(d))  
NONE

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS, AFFECTING THE PUBLIC INTEREST? YES  
 IF SO, IS THE US OR AN OFFICER, AGENT OR EMPLOYEE OF THE US A PARTY? NO  
 (see 28 USC 2403)

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? NO

DO ALL PARTIES IN THIS ACTION RESIDE IN THE WESTERN SECTION OF THE DISTRICT OF MASSACHUSETTS IN THE COUNTIES OF: NO

Berkshire, Franklin, Hampden, and Hampshire

DO THE ONLY PARTIES IN MASSACHUSETTS RESIDE IN THE WESTERN SECTION?

YES        NO   X  

IF ANY OF THE PARTIES ARE THE US, THE COMMONWEALTH OF MASS, OR ANY GOVERNMENTAL AGENCY OF EITHER THE US OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE WESTERN SECTION OF THE DISTRICT NO

Please Print)  
 XXXXXXXX Name GERTRUDE GOROD PRO SE

Address P.O. BOX 856 EVERETT, MA 02149

Telephone No. 781 322-8223